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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/024,923
Filing Date: February 17, 1998
Appellant(s): KIKINIS, DAN

DONALD R. BOYS
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 2/19/2009 appealing from the Office action mailed 12/23/2008.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is incorrect. A correct statement of the status of the claims is as follows:

Claims 1-58 have been canceled.

This appeal involves claims 59-64.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6205135 *CHINNI* et al. 03-2001

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 59-64 are rejected under 35 U.S.C. 103(a) as being unpatentable over *CHINNI* et al. (US 6,205,135), hereinafter *CHINNI*.

Regarding claim 59, *CHINNI* discloses a telephony bridge unit (alternate access platform 100 functions as a bridge, see figure 1), comprising:

a first interface for connecting to a connection-oriented switched telephony (COST) network (one interface of alternate access platform100 “AAP” coupled to local exchange 150, which is part PSTN, see figure 1 and col. 3 lines 8-11, PSTN network connection-oriented network, or TLI 105-1, see figure 2);

a second interface for connecting to a data network for data network telephony (DNT) calls (one interface of the AAP 10 for connecting to Internet, see figure 1, or NIC 110-1, see figure 2);

a protocol converter for converting calls between DNT and COST network protocols (for POTS to PC phone calls, from POTS to AAP 100 is circuit switched, and between the AAP 100 to AAP 200 or IP phone (PC) is packet switched, and both protocols are well known in the art (see col. 3 lines 34-49) -thus thus AAP 100 converts protocol in both direction during the call in order to route/receive the call over Internet);

a processor for managing operations of the bridge unit (the CPU 120 in AAP 100 see figure 2); and

a data repository storing code and data (the mapping table, see col. 6 lines 20-30);

wherein the bridge unit,

receiving a call from a caller on the COST network (see col. 2 lines 24-26),

accesses a look-up table in the data repository relating COST telephone numbers to data network addresses (mapping the called party telephone number into IP address by accessing mapping table, see col. 6 lines 16-30),

retrieves a data network address associated with the COST telephone number (mapping the called party telephone number into IP address, see col. 6 lines 16-30),

places a data network call on the DNT network to a destination using the data network address (routing the call to opposite endpoint, see col. 6 lines 16-30),

connects the incoming COST and outgoing DNT calls (see col. 6 lines 16-30), and

translates protocol in both directions between the COST and the DNT networks while the calls are connected (the AAP 100 translates the protocol between the PSTN (circuit switch) and the Internet (packet switch), see figure 1 and col. 3 lines 34-49), and

in the event of receiving a call on the data network,

accesses information in the received call indicating a COST telephone number, places a call on the COST network to the COST number, connects the incoming DNT and outgoing COST calls, and translates protocol in both directions between the DNT and the COST networks while the calls are connected (for POTS to PC phone calls, from POTS to AAP 100 is circuit switched, and between the AAP 100 to AAP 200 or IP phone (PC) is packet switched, and both protocols are well known in the art (see col. 3 lines 34-49) -thus thus AAP 100 converts protocol in both direction during the call in order to route/receive the call over Internet).

CHINNI fails to explicitly discloses that the network address representing final destinations for the COST calls or the called telephone device having it own IP address. In another word, the call is between a telephone (plain old telephone service) to IP phone or PC phone.

CHINNI, however, discloses that POTS to PC calls the caller dialed the destination IP address and replacing the dot "." with pound sign "#" between the digits i.e. IP address of 108.456.332.324 to 108#456#332#324 (see col. 7 lines 15-35).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to includes the destination IP address of the telephone (PC phone) in the AAP's mapping table and mapping the called number to

corresponding IP address in order to avoid the POTS caller having to remember the IP address of the destinations (IP phones) and traditional telephone numbers are much easier remember.

Re9garding claim 60, *CHINNI* discloses the COST network is a publicly switched telephony (PSTN) network (PSTN, see figure 1 and col. 3 lines 7-11).

Regarding claim 61, *CHINNI* discloses the data network is the Interact, and the DNT calls are Internet Protocol Network Telephony (IPNT) calls or voice over Internet protocol (VoIP) calls (see phone call over Internet, see col. 6 lines 16-30).

Regarding claim 62, *CHINNI* discloses a method for managing telephone calls in different protocols, comprising steps of:

upon receiving a call for a specific destination from a connection-oriented switched telephony (COST) network at a bridge unit (AAP 100, see figure 1) having a first interface (AAP 100 having an interface for connecting to the local exchange 150, see figure 1, and col. 3 lines 8-11) for connecting to the COST network and second interface for connecting to the DNT network (AAP 30 having a second interface for connecting to the Internet, see figure 1), retrieves a data network address associated with the COST telephone number, places a call on the DNT network using the retrieved destination, connects the incoming COST and outgoing DNT calls, and translates protocol in both directions between the COST and the DNT networks while the calls are

connected (for POTS to PC phone calls, from POTS to AAP 100 is circuit switched, and between the AAP 100 to AAP 200 or IP phone (PC) is packet switched, and both protocols are well known in the art (see col. 3 lines 34-49) -thus thus AAP 100 converts protocol in both direction during the call in order to route/receive the call over Internet); and

upon receiving a call on from the data network, uses a COST number received with the call to place a COST call to that number, connects the incoming DNT and outgoing COST calls, and translates protocol in both directions between the COST and the DNT networks while the calls are (for POTS to PC phone calls, from POTS to AAP 100 is circuit switched, and between the AAP 100 to AAP 200 or IP phone (PC) is packet switched, and both protocols are well known in the art (see col. 3 lines 34-49) - thus thus AAP 100 converts protocol in both direction during the call in order to route/receive the call over Internet).

CHINNI fails to explicitly discloses that the network address representing final destinations for the COST calls or the called telephone device having it own IP address. In another word, the call is between a telephone (plain old telephone service) to IP phone or PC phone.

CHINNI, however, discloses that POTS to PC calls the caller dialed the destination IP address and replacing the dot "." with pound sign "#" between the digits i.e. IP address of 108.456.332.324 to 108#456#332#324 (see col. 7 lines 15-35).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to includes the destination IP address of the telephone

(PC phone) in the AAP's mapping table and mapping the called number to corresponding IP address in order to avoid the POTS caller having to remember the IP address of the destinations (IP phones) and traditional telephone numbers are much easier remember.

Regarding claim 63, *CHINNI* discloses the COST network is a publicly switched telephony (PSTN) network (see col. 3 lines 7-11 and figure 1).

Regarding claim 64, *CHINNI* discloses the data network is the Internet, and the DNT calls are Internet Protocol Network Telephony (IPNT) calls or voice over Internet protocol (VoIP) calls (see phone call over Internet, see col. 6 lines 16-30).

(10) Response to Argument

Response to the applicant's argument in pages 5-6:

CHINNI discloses the that the alternate access platform 100 and 200 both embodies the same principles of invention and the same function (see col. 2 lines 53-58), and AAP 100 routing calls received from any of the callers 151 (see figure 1) to the called destinations 251 via another AAP 200 (see figure 1). The communication in the opposite direction is similar and will not be described (see col. 2 lines 57-58). Therefore, the alternate access platform 100 also performs the same function as the alternate access platform 200 when it receive a call at NIC 110-1 via Internet –thus the

reference discloses the AAP 100 performs both routing and receiving the call (see figures 1-2).

Response to the applicant's arguments in page 8-12:

The applicant assumes correctly that the obvious rejection for the claims are based on *CHINNI* reference only. The examiner thanks the applicant for pointing out typos.

The examiner disagree with the applicant's argument especially the examiner misinterpretation the claimed limitation. The claim clearly stated that "receiving a call from a caller on the COST network, accesses a look-up table in the data repository relating COST telephone numbers to data network addresses representing final destinations for the COST calls, retrieves a data network associated with the COST telephone number" as cited the claim. In other words receiving a telephone call at the bridge unit and looking up corresponding IP address (network address) of the dialed telephone number from the look-up table at the bridge unit. Here, the "network addresses" are referring to IP addresses, and "data network addresses representing final destinations for the COST calls" are referring each destination phones having an IP address.

CHINNI discloses at least three types of telephone calls between POTS to POTS (see col. 4 lines 45-64), or POTS to IP phone (PC), or IP phone to IP phone (PC to PC) over Internet (see col. 7 lines 15-35).

In col. 6 lines 4-30, *CHINNI* discloses the following:

> Returning to FIG. 4, alternate access platform 100 routes the call in step 420 by selecting the appropriate communications facility in accordance with either the called party table or the routing table as appropriate.... In contrast, if alternate access platform 100 selects an Internet line for routing the call, then alternate access platform 100 establishes a data connection with another alternate access platform, herein represented by alternate access platform 200. In order to establish this data connection, alternate access platform 100 "maps" the called party telephone number into an IP address. As such, alternate access platform 100 additionally stores a "mapping table" (not shown) that associates the area code portion of a called party telephone number with a respective IP address of another alternate access platform. In this example, the area code of the called party is used by alternate access platform 100 to index into this "mapping table" to retrieve an associated IP address that corresponds to alternate access platform 200, i.e., IP address 188.333.409.200 (emphasis added).

As cited above, when a call is between the POTS 151-N to POTS 251-N over the Internet, mapping the area code potion of the called party telephone number into IP address of alternate access platform 200 that connect to the called party, where the mapping of address is performed at source alternate access platform 100 that connect to the caller (see figure 1). Then the call is routed to the destination via alternate access platform 200.

In col. 7 lines 15-35, *CHINNI* discloses the following:

> In the earlier example, user 151-n established a voice connection to alternate access platform 100, which then routed the call as a function of the call profile associated with user 251-n. In a similar fashion, as noted above, calls are completed between users 151-1 and 151-2 and users 251-1, 251-2, or 251-n. It should be noted that in the case of the called party being user 251-1 and 251-2, a data connection is established between alternate access platform 200 and either user 251-1 or 251-2. If the call is a PC to PC call, the IP address of the called party is identified by their IP address via the above-mentioned "html form" (not shown). However, if the call is a POTS to PC call, the calling party provides the IP address via touch-tones. For example, if the called party's IP address is 108.456.332.324, the calling party enters equivalent touch-tones corresponding to 108#456#332#324, where the "#" symbol is used to represent the "." of the IP address format. From the point of view of the access platform, discrimination between whether a PSTN-style telephone number is being entered or an IP address is being entered can be indicated by use of a predefined touch-tone, e.g., "*" in front of an IP address (emphasis added).

In IP to IP phone (PC to PC) call, the IP address of the called party is identified by their IP address. In POTS to PC call, the caller dialed the IP address of the called party by replacing dot "." with pound "#" sign i.e. IP address of 108.456.332.324 to

108#456#332#324. In other words, each IP phone (PC) having assigned unique IP address. The examiner cited col. 7 lines 15-35 to show that each PC has assigned IP address in the last office action.

In response to the applicant's argument of *CHINNI*'s callers, "*whether COST or IP, must first dial the AAP 100 and then enter the destination number*" is irrelevant. It should be noted that there must be a dial tone before a POTS call can be made on POTS network and there must be also internet connection before IP phone can be made.

For POTS to PC phone call, there must be mapping of dialed phone to IP address mapping at some point in the connection or dialing the actual IP address of the IP phone by the caller, which *CHINNI* teaches. Callers are more familiar or used to with ten digit telephone numbers than IP addresses. Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to includes the destination IP address of the telephone (PC phone) in the AAP's mapping table and mapping the called number to corresponding IP address of the called destination in order to avoid the POTS caller having to remember the IP address of the destinations (IP phones) and traditional telephone numbers are much easier remember.

In col. 3 lines 34-49, *CHINNI* discloses the following:

> For the purposes of this description, the following additional terminology is defined. As noted above, there are various communications facilities coupled to alternate access platform 100, e.g., T1 lines, analog lines, and Internet lines. While some of these communications facilities could be characterized as circuit-switched or packet-switched, a distinction is made herein as to the "type of connection" established between two endpoints using these facilities. In particular, the "type of connection" refers to either a "voice connection" or a "data connection." In the former, a circuit-switched voice connection is established between two endpoints as known in the art. In the latter, an Internet Protocol (IP) connection is established as known in the art using a transmission control protocol (TCP) or a user datagram protocol (UDP). (It should be noted that an IP connection can be routed over circuit-switched facilities.) (emphasis added).

For POTS to PC phone calls, from POTS to AAP 100 is circuit switched, and between the AAP 100 to AAP 200 or IP phone (PC) is packet switched. Both protocols are well known in the art (see col. 3 lines 34-49). The circuit switched may be analog or digital but not packetized, where TCP/IP or UDP is packet format -thus AAP 100 converts protocol in both direction during the call. Call setup in data network is done using H.323 protocol (see col. 6 lines 36-50), and then the call is routed over internet using TCP/IP protocol or IP packets (see col. 3 lines 34-49).

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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